

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWP No.: 436 of 2002.

Decided on: 17.4.2007.

Lachhaman Dass & ors.

Versus

State of H.P. & another.

... .. Petitioner.

... .. Respondents.

Coram:

The Hon'ble Mr. Justice Rajiv Sharma, J.

Whether approved for reporting?

For the petitioners: Mr. K.D. Sood, Advocate.

For Respondent No.1: Mr. M.S. Chandel, Advocate
General with Ashutosh Burathoki, Addl. Advocate
General.

For Respondent No.2: Mr. Neel Kamal Sood, Advocate.

Rajiv Sharma, Judge (Oral):

The present petition is directed against the order dated 31st March, 2000. The necessary facts for adjudication of this petition are that the petitioners submitted applications for sale of trees through Divisional Manager, H.P. State Forest Corporation, Shimla to Divisional Forest Officer, Theog on 3.2.2000 in respect of the Khasra Nos. mentioned therein. After marking of trees, the Rang Forest Officer, Theog has submitted the case papers of petitioners

Whether reporters of local papers may be allowed to see the judgment?

to Divisional Forest Officer, Theog for issuing felling permit of 180 trees. Accordingly, felling permission was granted in favour of the petitioners by the Divisional Forest Officer, Theog on 30.3.2000. It appears that in the mean-time some complaint with reference to this case was received from circle office, Shimla. Consequently, senior officers of the Forest Department visited the spot of marked trees and after the spot inspection by the senior officers the marked trees of land owners were found in the amidst demarcation Protected Forest D-107 Kufta. Keeping in view of the wrong demarcation given by Naib Tehsildar, Settlement Circle, Fagu, the felling order issued in favour of the petitioners were cancelled on 31.3.2000 vide Annexure P-5.

Mr. K.D. Sood appearing on behalf of the petitioners submits that to cut short the litigation his clients are ready and willing to get the area in question re-demarcated in the presence of Assistant Conservator of Forests and thereafter Khasra-wise demarcation report will be submitted to the Divisional Forest Officer, Theog.

The prayer is genuine. Learned Additional Advocate General is not adverse to the prayer made by the petitioners. According, the writ petition is disposed of with the following directions:

- i) The petitioners will get the areas demarcated from Tehsildar concerned in the presence of the Assistant Conservator of Forests and after obtaining Khasra-wise report, the same will be submitted to the

Divisional Forest Officer, Theog for according necessary permission;

- ii) The respondents while considering the case of the petitioners for the felling permission will take into consideration the orders passed by the Hon'ble Supreme Court in case "**T.N. Godavarman Thirumulkpad v. Union of India**".

It is specifically pointed out that the orders passed by Hon'ble Supreme Court in **T.N. Godavarman Thirumulkpad's** case are to be punctually obeyed.

There is no order as to costs.

(Rajiv Sharma)
Judge

April 17, 2007.
(sck)